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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ABDUL HOWARD,

Plaintiff,

v.

NAPH CARE et al.,

Defendants.

Case No. 2:17-cv-02345-JAD-NJK

ORDER

**I. DISCUSSION**

Plaintiff, who is an inmate in the custody of the Clark County Detention Center, has filed a first amendment supplemental complaint to add more claims to his original complaint. (See ECF No. 2). The Court will not piecemeal Plaintiff's complaint together. Plaintiff's operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants Plaintiff leave to file a fully complete first amended complaint.

If Plaintiff chooses to file a first amended complaint he is advised that a first amended complaint supersedes (replaces) the original complaint and, thus, the first amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims

1 in a subsequent amended complaint to preserve them for appeal). Plaintiff's first  
2 amended complaint must contain all claims, defendants, and factual allegations that  
3 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended  
4 complaint on this Court's approved prisoner civil rights form and it must be entitled "First  
5 Amended Complaint."


6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that, if Plaintiff chooses to file a first  
8 amended complaint, Plaintiff shall file the first amended complaint within 30 days from the  
9 date of entry of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
11 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his  
12 complaint and supplement (ECF Nos. 1-1, 2). If Plaintiff chooses to file a first amended  
13 complaint, he must use the approved form and he shall write the words "First Amended"  
14 above the words "Civil Rights Complaint" in the caption.

15 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended  
16 complaint, the Court will screen the original complaint (ECF No. 1-1) only and strike the  
17 supplement (ECF No. 2) from the docket.

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19 DATED THIS 6th day of July 2018.

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23 NANCY J. KOPPE  
24 United States Magistrate Judge  
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